IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 8964 of 2005

Between:

Kanagala Rambabu S/o Narasimha Rao
R/o new Palavancha Dhammapeta X Road, Khammam District

..... PETITIONER

AND

1 The Secretary, Regional Transprot Authority, Khammam, Khammam district
2 The Motor Vehicle Inspector, Kothagudem, Khammam District

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ order or Direction more particularly one in the nature of Writ of Mandamus, declaring the action of the 2nd respondent in seizing and detaining the petitioner's tractor and trailor vehicle bearing Reg. Nos. AIW-6057 AEW 8690 vide check report No. 732426 dt 9-12-2002 as illegal, arbitrary and unconstitutional and consequently direct the respondents to release the Tractor and Trailor Vehicle and to grant such other relief or reliefs

Counsel for the Petitioner:MR.PALLENAGESWAR RAO

Counsel for the Respondent Nos.1 and 2: GP FOR TRANSPORT

The Court at the admission stage made the following:

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION No.8964 OF 2005

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O R D E R:

This writ petition is filed seeking a Writ of Mandamus declaring the action of the 2nd respondent in seizing and detaining the petitioner's vehicle bearing Registration No.AIW 6057 and AEW 8960 vide check report No.732426 dated 09.12.2002 as illegal and arbitrary and consequently direct the respondents to release the vehicle of the petitioner forthwith.

The vehicle in question belonging to the petitioner was seized by the 2nd respondent on the ground of certain irregularities alleged to have been committed by the petitioner, which are mentioned in the vehicle check report No.732426.

Having regard to the facts and circumstances of the case, I consider it appropriate to dispose of the writ petition directing the respondents to forthwith release the subject motor vehicle to the interim custody of the petitioner subject to the petitioner depositing Rs.5,000/- (Rupees Five Thousand Only) and on filing an undertaking to the effect that he would not alienate, sell, encumber or transfer the vehicle in question in favour of third parties, pending enquiry before the 1st respondent and he shall produce the vehicle as and when required by the respondent-authorities in the course of enquiry and investigation and that

the petitioner shall produce all original documents relating to the vehicle and that the petitioner shall deposit the tax due if any.

Accordingly, the writ petition is disposed of. No costs.

20.04.2005

Note:Wire at partys cost

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To

1 The Secretary, Regional Transprot Authority, Khammam, Khammam district
2 The Motor Vehicle Inspector, Kothagudem, Khammam District

3 Two CCs to G.P. for Transport, High Court of A.P., Hyderabad (OUT).

4 Two CD copies.